

1 been associated with WPJR739?

2 A No, ma'am.

3 Q Would you know how to do that?

4 A No.

5 (Pause.)

6 Q Who worked at DLB in the summer of 1996?

7 A The summer?

8 Q In 1996, did any of your other family members,
9 besides you and your husband, work for DLB?

10 A We didn't work at DLB.

11 Q Oh, not DLB. Worked in your, in Jim's accounting
12 firm. In your office.

13 A Just Jim and I.

14 Q Okay. Did your, did Melissa ever work there?

15 A She worked only during Christmas holidays, when
16 she was home from school.

17 Q And what did she do when she worked at Christmas
18 holiday?

19 A She answered the phone and filed tax books.

20 Q How about, how many Christmas holidays did she
21 work there, do you know?

22 A Probably every one that she came home from
23 college.

24 Q How about Jennifer? Did she ever work there?

25 A When she was in high school, she did. And when

1 she went to college, she did.

2 Q What was the last year that she worked there?

3 A Oh, '94, I would assume.

4 Q Last worked there in 1994?

5 A That's when she graduated.

6 JUDGE STEINBERG: From which?

7 THE WITNESS: College.

8 BY MS. LANCASTER:

9 Q And what did she do? What were her duties when
10 she worked there?

11 A Her duties were the same as my duties.

12 Q Were there any other employees that worked there
13 in the 1994, 1995 time period?

14 A No.

15 Q Would there have been anyone that worked in the
16 office, that would have your authorization to sign your name
17 to an application?

18 A No.

19 MS. LANCASTER: One moment, Your Honor.

20 (Pause.)

21 BY MS. LANCASTER:

22 Q I do have one question. You stated that your
23 husband, you and Mr. Sumpter have been married for 36 years?

24 A Right.

25 Q Are you afraid of your husband?

- 1 A No.
- 2 Q Does he intimidate you in any way?
- 3 A No.
- 4 Q How about your daughters? Are they afraid of
5 their dad?
- 6 A No.
- 7 Q Either one of them?
- 8 A No.
- 9 Q When you were having -- did you have family
10 discussions about the Net Wave petition, and all the stuff
11 that has been going on since you received the Net Wave
12 petition?
- 13 A Yes, we have.
- 14 Q Who got a chance to talk during all those
15 discussions?
- 16 A We all did.
- 17 Q Did Melissa make any statements during those
18 discussions where she gave her opinion as to what her
19 memories were or what happened?
- 20 A Yes.
- 21 Q Did anybody fuss at her for giving an opinion?
- 22 A No.
- 23 Q How about Jennifer?
- 24 A Did they fuss?
- 25 Q Did she have any opinions about this stuff?

1 A She had an opinion.

2 Q And did she say it?

3 A She did.

4 Q Okay. How about you? Did you have an opinion
5 about what was going on?

6 A Oh, yes.

7 Q Did you tell your husband --

8 A Yes.

9 Q -- what your opinion was?

10 A Yes, ma'am.

11 Q If there, were there any facts that anyone in
12 your family remembered differently from someone else in the
13 family?

14 A Well, I had forgotten about the fact that we had
15 got, first got the information from the invoices, and later
16 it was from the little booklets. But that's the only thing
17 we discussed that we were thinking different.

18 Q And who -- did someone in your family correct
19 your memory on that?

20 A Yes. Jennifer did.

21 Q After Jennifer corrected you, did you remember?

22 A Yes.

23 Q Are you afraid to speak your mind in front of
24 your husband?

25 A No, ma'am.

1 Q You stated that, I believe, that you were
2 concerned after getting the Net Wave petition?

3 A Yes.

4 Q Did you ever have any concerns that Jim or
5 Melissa or Jennifer would get in any kind of trouble
6 regarding their licenses to be -- Jennifer and Jim, for
7 example, with their CPA license, and Melissa with her
8 nursing license?

9 A Not when we first got it, but we did later on.

10 Q Because you have concerns about that, has that
11 altered your testimony in any way?

12 A No, ma'am.

13 Q Is the testimony that you have given truthful?

14 A Yes, to the best of my ability.

15 MS. LANCASTER: No further questions, Your Honor.

16 JUDGE STEINBERG: Okay. Let's go off the record
17 for lunch.

18 (Whereupon, at 12:15 p.m., the hearing was
19 recessed, to reconvene this same day, Thursday, March 8,
20 2001, at 1:45 p.m.)

21 //

22 //

23 //

24 //

25 //

1 A I do not know.

2 Q Do you know who else was present when you signed
3 it?

4 A No.

5 Q Did you sign it at your house?

6 A I don't know.

7 Q The second page of Exhibit Number 42. Do you
8 remember filling out those checks?

9 A Yes.

10 Q And you say that you were given money back from
11 Ron?

12 A Yes, I was given a check back to cover these
13 checks.

14 Q And it was a check made out to who?

15 A To Jim Sumpter, I assume.

16 Q And what was the amount of the check, ma'am, do
17 you remember?

18 A Well, \$195.

19 Q Ma'am, do you have a recollection of that? Or
20 are you just kind of assuming that you did?

21 A No, I know that I got a check back.

22 Q And you know you got it back when?

23 A When they came over to get these checks from me,
24 they brought a check.

25 Q And who is they?

1 A Pat and Ron.

2 Q So did you get the checks on the same day that
3 you signed Exhibit Number, the first page of Exhibit
4 Number 42?

5 A The first page?

6 Q Yes, ma'am.

7 A I got the check the same day I wrote the check.

8 Q And what was that in relationship to the first
9 page of Exhibit Number 42? Do you remember any
10 recollection?

11 A No, I don't have any recollection of 42.

12 Q Well, now, you will notice on the second page of
13 Exhibit Number 42, those checks were made out on June 8 of
14 1990?

15 A That's correct.

16 Q Is that right?

17 A Correct.

18 Q Do you believe that is the date that you wrote
19 them?

20 A Yes.

21 Q And is it your recollection as you sit here
22 today, ma'am, that that is the date that you received money,
23 a check back from Ron and Pat?

24 A Yes.

25 Q Do you recall some sort of a meeting with Ron and

1 Pat on that day to get that money back from them?

2 A Well, they came by the office and got these
3 checks, if you call that a meeting.

4 Q Was there anybody else present besides Ron and
5 Pat and yourself?

6 A I don't know.

7 Q Do you know if it was at your office?

8 A Yes.

9 Q It was at your office?

10 A It had to be. That's the only place the
11 checkbook was.

12 Q Okay. And that checkbook, ma'am, that is for
13 both your, at that time in 1990 that was both your personal
14 checking account and the business checking account, right?

15 A That's correct.

16 Q That was the only checking account you had at the
17 time?

18 A That's correct.

19 Q In fact, even up until 1996, those checks that
20 you have introduced, or your husband introduced yesterday,
21 those checks from that checking account --

22 MS. LANCASTER: Objection, Your Honor. She does
23 not know what her husband introduced yesterday.

24 JUDGE STEINBERG: Well, the ones shown in Exhibit
25 70. The stubs.

1 BY MR. ROMNEY:

2 Q Exhibit 70, the stubs that were put in yesterday,
3 ma'am. Do you recognize those checks?

4 A Yes.

5 Q And those are from your business account?

6 A That's correct.

7 Q And that was your personal account at the same
8 time.

9 A That's correct.

10 Q You only had one checking account.

11 A That's correct.

12 Q Back to Exhibit Number 42. You will notice the
13 first page of Exhibit Number 42, the date is August 7, 1990.
14 Do you see that?

15 A Yes.

16 Q And if you will go back to the second page, you
17 will notice that that letter and those two checks are from
18 June of 1990. Do you see that?

19 A Yes.

20 Q Well, when was it exactly? Why would you be
21 writing a check in June of 1990 to the FCC if, in fact,
22 there is not an application being signed until August of
23 1990, do you know?

24 A I don't --

25 MR. McVEIGH: Objection. Asking the witness to

1 speculate.

2 JUDGE STEINBERG: No, he is not asking the
3 witness to speculate. He is asking for an explanation.
4 Overruled. Why don't you ask the question again, because I
5 lost it?

6 MR. ROMNEY: Okay.

7 (Whereupon, a brief recess was taken.)

8 JUDGE STEINBERG: We are back on the record. The
9 pending question was whether Mrs. Sumpter can explain why
10 page one bears the date 8/7/90, whereas the checks on page
11 two of Exhibit 42 bear the date 6/8, 1990.

12 Is that correct, Mr. Romney?

13 MR. ROMNEY: That is correct, Your Honor.

14 JUDGE STEINBERG: Well, could you -- if you would
15 like to rephrase it, you are welcome to.

16 MR. ROMNEY: No, that is fine, if the witness is
17 able to answer that question.

18 JUDGE STEINBERG: Do you understand the question?

19 THE WITNESS: I understand it, but I don't have
20 any explanation. I don't have any idea.

21 JUDGE STEINBERG: When you write dates on a
22 check, like on page two of Exhibit 42, what is -- the 6/8,
23 what does the six mean?

24 THE WITNESS: The month.

25 JUDGE STEINBERG: And the eight?

1 THE WITNESS: Is the day.

2 JUDGE STEINBERG: Did you put the date on page
3 one of Exhibit 42, to the best of your recollection?

4 THE WITNESS: No. It's typed in, I didn't type
5 it in.

6 THE REPORTER: I did not --

7 JUDGE STEINBERG: It's typed in, I didn't type it
8 in.

9 BY MR. ROMNEY:

10 Q I will direct your attention to page three of
11 Exhibit 42, ma'am. Do you recall receiving the green and
12 the yellow card pertaining to that license application?

13 A No.

14 Q Do you recall receiving any sort of card from
15 NABER regarding that particular license application?

16 A I received a green card, but I don't have any
17 idea what it pertained to.

18 Q Now, ma'am, to the best of your recollection, is
19 this Exhibit Number 42, is that the first application you
20 ever filled out?

21 A I don't have any idea.

22 Q Well, why not?

23 A Well, I told you I don't. I signed one in the
24 early, late eighties or early nineties. But I don't know.
25 I don't know what the first one was.

1 Q Well, this was the early nineties, I would take
2 it, by being 1990, is that correct?

3 A I still don't know if it's the first one.

4 Q Well, do you have any knowledge, as you sit here
5 today, how many different applications you have filled out?

6 A No.

7 Q Or how many applications you have signed?

8 A No.

9 Q Page four of Exhibit 42, please. Do you recall
10 receiving a license from the FCC addressed to you at 4406
11 Harbinger, Mesquite, Texas?

12 A I assume I did, but I don't have any recollection
13 of it.

14 Q But just because it has got your address on it,
15 and it is around 1990 that this thing was sent out by the
16 FCC, you do believe that you received it?

17 A I'm sure I did.

18 Q Even though you have no recollection, you are
19 sure?

20 A I mean, that is 10 years ago.

21 Q Well, ma'am, do you recall receiving any
22 correspondence from the FCC --

23 A I received --

24 Q -- pertaining to the license application that you
25 signed on or about August 7, 1990?

1 A I received some stuff from the FCC, but I don't
2 recollect what it is.

3 Q In 1990, ma'am, were you --

4 A Nineteen-ninety?

5 Q In 1990, was it your habit at that time to take
6 anything that was coming from the FCC, and to pass it on to
7 Ronald?

8 A That's correct.

9 Q Did you open the FCC mail in 1990, to the best of
10 your recollection?

11 A I don't know.

12 Q You do not know one way or the other?

13 A I don't know. I don't know when I quit opening
14 it.

15 JUDGE STEINBERG: I don't know when I quit
16 opening it.

17 MR. ROMNEY: Thank you.

18 BY MR. ROMNEY:

19 Q Page five of Exhibit 42, please. Is that your
20 signature on page five of Exhibit 42?

21 A Yes.

22 Q Do you recall signing that document on or about
23 June 9, 1991?

24 A I don't recall it, but that's my signature.

25 Q Well, do you recall receiving this form 800-A at

1 your home at 4406 Harbinger, Mesquite, Texas, around May 28,
2 1991?

3 A No.

4 Q Did you make that circle of number one, where it
5 says "station not operational, cancel license?"

6 A No.

7 Q Is that your handwriting?

8 A No.

9 Q How can you tell?

10 A Because I don't -- I assume I didn't. I don't
11 think I did.

12 Q Do you know what --

13 A I wouldn't have any reason, because I didn't know
14 anything about it. Why would I circle something I don't
15 know anything about?

16 Q Did you receive this document at your home?

17 A I don't know.

18 Q How is it that you came to put your signature on
19 the bottom of page five of Exhibit 42, ma'am?

20 A Well, they had to have brought it to me for me to
21 sign it.

22 Q They would not have had to have brought it to
23 you, ma'am, if you had received it at your house, would
24 they?

25 A Well, if I sent it to him, yes, they would have

1 had to have brought it to me. I wouldn't have just signed
2 something.

3 Q If you had opened it, ma'am, and called Ronald
4 about it, and he told you to sign it, then they would not
5 have had to have brought it to you, would they?

6 A Yes, but he -- I never did do that. I sent
7 everything to him.

8 Q The other handwriting up at the top of this
9 document, looks like number three, and then a 04, and then a
10 2-3, something in there. Do you recognize any of that hand?

11 A No.

12 Q Is that your hand?

13 A No.

14 Q Exhibit 43, please. First page. You stated that
15 that is your signature, is that correct?

16 A That's correct.

17 Q Did you sign that document on or about April 8,
18 1992?

19 A I don't know when I signed it.

20 Q Do you recall signing that document?

21 A I recall signing it, but I didn't put a date on
22 it.

23 Q Do you recall anybody being present when you
24 signed that document?

25 A No.

1 Q Do you recall where you signed it?

2 A No.

3 Q Do you recall why you signed it?

4 A Because Ronald asked me to.

5 Q Exhibit Number 42 that I showed you previously

6 was done back in 1990. Do you recall that, ma'am?

7 A No, I don't recall it. I already testified that

8 I didn't recall it.

9 Q Do you recall signing that document some time in

10 1990?

11 A I signed it, but I don't recall when I signed it.

12 Q Do you have any belief other than the fact that

13 this document was executed somewhere around 1990, that year?

14 A I don't know.

15 Q Do you have any reason to believe that it was

16 signed in 1991?

17 A No.

18 Q Do you have any reason to believe it was signed

19 in 1989?

20 A No.

21 Q In 1990, your daughter, Jennifer, had a mobile

22 radio in her car, is that correct?

23 A Yes.

24 Q Do you recall any discussions with Ronald or Pat

25 Brasher regarding the fact that the user of a mobile radio

1 station had to have a license from the FCC at that time?

2 A No.

3 Q Did you ever have a conversation with Ronald or
4 Pat Brasher regarding the user of a mobile radio in a car
5 needing an FCC license at any time?

6 A No.

7 Q Turn your attention back to Exhibit Number 43,
8 please. The rest of the handwriting on that particular page
9 one of that Exhibit 43, do you recognize?

10 A No.

11 Q Immediately above your signature, do you know
12 whose handwriting that is?

13 A No.

14 Q Is that yours?

15 A No.

16 Q When you signed this particular document, the
17 first page of Exhibit Number 43, was the handwriting, other
18 handwriting on the document at the time?

19 A I don't have any idea.

20 Q You do not remember one way or the other?

21 A I don't remember one way or the other.

22 Q Page three of Exhibit Number 43. Is that your
23 signature on those two checks?

24 A Yes.

25 Q Do you recall writing those checks on or about

1 April 7, 1992?

2 A Yes.

3 Q And you recall writing those in connection with
4 the first page of Exhibit Number 43, the application?

5 A I don't know what they went with.

6 Q Well, why would you write out those checks,
7 ma'am?

8 A Because they asked me to write the checks.

9 Q And did they give you a reason for writing the
10 checks?

11 A They wanted to send them to the FCC.

12 Q Did they tell you why they wanted you to fill out
13 that application, Exhibit 43?

14 A No.

15 Q Did you ask them why they wanted --

16 A No, I didn't.

17 Q -- you to fill out Exhibit 43, the first page?

18 A They just asked me to sign it so they could get a
19 license. That's all.

20 JUDGE STEINBERG: Who is "they" that you have
21 been referring to?

22 THE WITNESS: The Brashers, Ronald and Pat.

23 JUDGE STEINBERG: Okay.

24 BY MR. ROMNEY:

25 Q Did you fill out the two checks on page three of

1 Exhibit 43 in the presence of anyone other than yourself?

2 A I would assume I filled it out in front of my
3 sister, Patricia.

4 Q And why is that, ma'am?

5 A I think she is the one that came in and asked for
6 it.

7 Q Do you have recollection of doing that?

8 A Yes.

9 Q Do you have a recall of on or about April 7,
10 1992, filling out two checks in front of your sister,
11 Patricia?

12 A Yes.

13 Q And you gave her those checks?

14 A Yes.

15 Q And did you get money back from somebody?

16 A She brought me a check.

17 Q And how much did she bring you a check for?

18 A A hundred and ninety-five dollars. Or \$175. The
19 total of those two checks.

20 Q Do you have current recall, as you sit here
21 today, ma'am, of receiving a check in the amount of \$175
22 from Patricia Brasher?

23 A Yes.

24 Q And you received that on or about April 7, 1992?

25 A That's correct.

1 Q Did you receive any documents in the mail
2 pertaining to that particular license application,
3 Exhibit 43, page one?

4 A I'm sure I did, but I don't, I can't recall it.

5 Q What did you do with the mail when you received
6 it?

7 A I sent it to Ronald.

8 Q Exhibit Number 4. Excuse me, page four of
9 Exhibit Number 43. Do you recognize that?

10 A Not really.

11 Q Is that a document that you received at your
12 house?

13 A I don't know.

14 Q Exhibit Number 5.

15 JUDGE STEINBERG: Page five.

16 BY MR. ROMNEY:

17 Q I am sorry, page five, Exhibit 43. Do you
18 recognize that document, ma'am?

19 A It's a radio license.

20 Q Well, did you receive that radio license at your
21 house on or about June 23 of 1992?

22 A I don't know.

23 Q Do you have any recall of this document, ma'am?

24 A No.

25 Q Is this a document you may have sent to

1 Mr. Brasher, Ronald Brasher?

2 A Probably. If I received it, I sent it to him.

3 Q Do you recognize page six of Exhibit Number 43?

4 A Yes.

5 Q Is that your signature, ma'am?

6 A No.

7 Q How do you know?

8 A It's just not my signature.

9 Q Well, what makes you think it is not your
10 signature?

11 A It's not my signature. I can recognize it, and
12 it's not mine.

13 Q Ma'am, I would ask you to take the first page of
14 Exhibit 43, try and crinkle the page if you will, and look
15 at on top of page six. That looks awful similar, does it
16 not, to you?

17 MS. LANCASTER: The top of which page?

18 MR. ROMNEY: The signature on page six of Exhibit
19 Number 43. Page one of Exhibit 43.

20 BY MR. ROMNEY:

21 Q There are two signatures of yours on there, or
22 alleged signatures of yours. Do you see those, ma'am?

23 A Yes. But they are not, that last one is not my
24 signature. It's not the same.

25 Q What about that signature makes you believe that

1 it is not yours?

2 A Well, the S is not mine, and the M is not mine.
3 And the L is different. It's just not my signature. The R
4 is wrong.

5 JUDGE STEINBERG: Which R?

6 THE WITNESS: The R in Norma, and the R at the
7 end of Sumpster.

8 BY MR. ROMNEY:

9 Q When was the first time you saw that particular
10 signature, to your knowledge?

11 JUDGE STEINBERG: Which one are you talking
12 about?

13 MR. ROMNEY: Page six of Exhibit 43.

14 THE WITNESS: Page six?

15 BY MR. ROMNEY:

16 Q The one that is in front of you, ma'am.

17 A When did I first see it?

18 Q Yes, ma'am.

19 A At the deposition, in December of last year.

20 Q You do not ever recall seeing that signature
21 before that deposition?

22 A No.

23 MR. ROMNEY: Request permission to approach, Your
24 Honor?

25 JUDGE STEINBERG: Yes, sir. Thank you.

1 MR. ROMNEY: Your Honor, I would ask the Court to
2 mark as RB/PB Exhibit Number 9 for identification, that
3 document.

4 JUDGE STEINBERG: Okay, the document is on the
5 letterhead of John J. McVeigh, M-C-V-E-I-G-H. That is the
6 first page.

7 The second page is a declaration. And there are
8 several exhibits to the declaration. So we will call it
9 letter and declaration. And it is a 12-page document. And
10 it will be identified as RB/PB Exhibit Number 9. And I
11 should note that the cover letter is dated September 22,
12 1999.

13 (The document referred to was
14 marked for identification as
15 RB/PB Exhibit No. 9.)

16 BY MR. ROMNEY:

17 Q Mrs. Sumpter, do you recall reviewing this
18 document at your deposition taken on December 4, 2000?

19 A Yes.

20 Q Do you recall this as being Exhibit Number 71 to
21 your deposition, as indicated by the exhibit stamp on the
22 bottom?

23 A Yes.

24 Q And do you, are you able to identify what this
25 document is? Exhibit Number 71, or RB/PB Exhibit 9? Excuse

1 me.

2 A Do I understand what it is?

3 Q Yes, ma'am.

4 A Yes.

5 Q Is this a document that your attorney caused to
6 be filed with the Federal Communications Commission on your
7 behalf?

8 A That's correct.

9 Q And did you have an opportunity to review this
10 document prior to its being submitted to the FCC?

11 A Yes.

12 Q I am sorry?

13 A Yes.

14 MR. ROMNEY: Your Honor, I move the admission of
15 Exhibit RB/PB Exhibit Number 9.

16 JUDGE STEINBERG: Any objection?

17 MR. ROMNEY: One second, Your Honor.

18 JUDGE STEINBERG: Yes, why don't you read it
19 through?

20 (Pause.)

21 MS. LANCASTER: No objections, Your Honor.

22 JUDGE STEINBERG: Mr. Pedigo?

23 MR. PEDIGO: No objections.

24 JUDGE STEINBERG: Exhibit 9 is received.

25 (The document referred to,

1 having been previously marked
2 for identification as RB/PB
3 Exhibit 9, was received in
4 evidence.)

5 BY MR. ROMNEY:

6 Q Mrs. Sumpster, towards the middle of the document
7 there is a blank page that says attachment A on the middle
8 of it, or an almost blank page.

9 A Okay.

10 Q Do you see that, ma'am?

11 A Yes.

12 Q And in the page immediately following that there
13 is a faxed cover sheet, is what it appears to be? Do you
14 recognize that document?

15 A Yes.

16 Q The faxed cover sheet has a date on it of
17 3/24/93. Do you see that, ma'am?

18 A Yes.

19 Q And up at the top of the heading on the fax,
20 there is a, it says March, M-A-R, excuse me, dash-24,
21 dash-93, do you see that?

22 A I see it.

23 Q Do you recognize that as a cover sheet of a fax
24 that you received from Metroplex Two-Way Radio on or about
25 March 24, 1993?

1 A Yes.

2 Q And do you know why you were receiving this
3 particular fax, ma'am?

4 A He wanted me to sign a letter, to move the
5 antenna.

6 Q And do you know why they were moving that
7 antenna?

8 A No.

9 Q Well, do you recall, ma'am, that you were having
10 problems with Jennifer's radio not receiving very good
11 transmission over in Arlington?

12 A No.

13 Q Do you recall that the quality of Jennifer's
14 mobile radio was poor, at best?

15 A I knew it was poor.

16 Q Well, do you recall an effort on behalf of Ronald
17 Brasher to move the antenna for that radio, so that there
18 could be better reception out of Terra County?

19 A He didn't move it for us.

20 JUDGE STEINBERG: That was not the question.

21 Please answer the, just answer what is asked of you.

22 Why don't you repeat the question, Mr. Romney?

23 BY MR. ROMNEY:

24 Q Do you recall Ronald Brasher moving the antenna
25 of the mobile radio for Jennifer's car over in Terra County